

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL
BOARD

In the matter of trademark application Serial No.: 86766058
For the mark: Hair Goals
Published in the Official Gazette on: 16th February 2016

Hair Goals Ltd
v.
Cathy Holt

NOTICE OF OPPOSITION

Opposer Name (Business Trade Name): Hair Goals Ltd
Business Address: Unit 1, 97-101 Peregrine Road, Ilford,
Essex, IG6 3XH, United Kingdom
legal@hairgoals.co.uk

Class: 003



06-22-2016

U.S. Patent & TMO/OTM Mail Rpt Dt. #

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The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

Hair Goals Ltd is a hair care brand of Unit 1, 97-101 Peregrine Road, Hainault Business Park, Ilford, Essex, IG6 3XH, itself (“Hair Goals Ltd” or “Opposer”) believes that it will be damaged by registration of (“Cathy Holt” or “Applicant”) of the mark HAIR GOALS shown in Application Serial No. 86766058 (hereinafter also referred to as “Applicant’s Mark”), filed on September 23, 2015 and published for public opposition in the *Official Gazette* on February 16, 2015; and, hereby opposes the same.

Hair Goals Ltd seeks to prevent pending application for mark ('serial number') from being granted registration. Hair Goals Ltd believes it will be damaged by the potential registration of mark ('86766058').

Hair Goals Ltd is raising relative grounds in this opposition proceeding. Under **relative grounds**, the Opposer ("Hair Goals Ltd") is making a claim of prior rights in the trademark:

- Priority of use (Foreign priority date: July 2nd 2015)
- Likelihood of confusion
- Business name/domain name/trade name use
- Well-known/famous mark

The grounds for opposition are as follows:

1. The Opposer ("Hair Goals Ltd") filed for UK trademark in July 2015 for classes 3, 9 and 25. The trademark was fully registered in October 9, 2015.
2. Hair Goals Ltd filed for international trademark protection for US and EM (European Union) via WIPO in October 21, 2015. Hair Goals Ltd has priority foreign filing date of July 2nd 2015.
3. Hair Goals Ltd has always had full intent to register US trademarks from June 2015 however fees were high according to quotes.
4. Hair Goals Ltd was given wrong information from UK IPO that UK trademark had to be registered before being allowed to register for worldwide trademark protection via WIPO.
5. The Opposer's Filing Date and the Opposer's First Use Date for the Opposer's Mark is earlier than the Applicant's Alleged First Use Date for the Applicant's Mark.
6. Given this information, applicant's filing of U.S. Trademark Application Serial No. 86766058 is without license, authorization, or permission from Opposer.
7. Trademark attorney of Cathy Holt should have undertaken a global trademark search via tmview.com to

WHOIS Information	Business Information
Domain name hargoads.co.uk	hargoads hargoads hargoads® hargoads
Registrant Hargoads	
Registrant type Unknown	www.hargoads.co.uk hello@hargoads.co.uk
Registrant's address 97-101 Peregrine Road Bford IG6 3XH United Kingdom	Business Type(s) Retail, Wholesale, Wholesaler, Distributor, Manufacturer, Importer, Exporter, Supplier, Retailer, Wholesaler, Distributor, Manufacturer, Importer, Exporter, Supplier
Data validation Non-net was able to match the registrant's name and address against a 3rd party data source on 25-Feb-2016	Description: hargoads.co.uk is a website for Hargoads, an independent design studio and brand for a range of products, including clothing, footwear, accessories, homeware, etc.
Registrar GoDaddy.com, LLP (Tag = GODADDY) URL: http://uk.godaddy.com	Links: Facebook Instagram Twitter Shop
Relevant dates Registered on: 03-Apr-2016 Expiry date: 03-Apr-2017 Last updated: 24-Mar-2016	Products hargoads.co.uk hargoads.co.uk hargoads.co.uk hargoads.co.uk hargoads.co.uk hargoads.co.uk hargoads.co.uk hargoads.co.uk hargoads.co.uk hargoads.co.uk
Registration status Registered until expiry date	

Audience Overview

Overview | Engagement | Activity | Demographics | Technology | Mobile

Use this section to understand your audience characteristics

The Audience reports provide insight into:

- the demographics of your audience. Go to **Audience > Demographics**
- your mix of new and returning users and the level of engagement of your users. Go to **Audience > Behavior**
- the browsers and devices being used to access your site. Go to **Audience > Technology**
- the mobile devices being used to access your content. Go to **Audience > Mobile**

Introduction to Audience Analysis

Learn how to use the Audience reports

Engagement overview

Activity overview

Demographics overview

Technology overview

Mobile overview

Overview

338 Sessions

255 Users

395 Pageviews

1.17 Pages/Session

00:00:30 Avg. Time on Site

83.73% Bounce Rate

75.44% New Sessions

Demographics

Country

1 4

2

Technology

Browsers

1 4

2

Devices

1 4

2

Operating Systems

1 4

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Mobile

Mobile Overview

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Mobile Demographics

Country

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Exhibit F – Extension of Time to Oppose Granted Until 06/15/2016

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: March 11, 2016
Serial No.: 86766058
ESTIA TRACKING NO: ESTIA732884

The request to extend time to oppose is granted until 6/15/2016 on behalf of potential opposer Hair Goals Ltd

Please do not hesitate to contact the Trademark Trial and Appeal Board at (571)272-8500 if you have any questions relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition for cancellation, notice of ex parte appeal, and inter partes filings are now available at <http://estia.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Adaku Agwunobi
Hair Goals Ltd
Unit 1, 97-101 Peregrine Road/Hainault Business Park
Ilford, IG6 3XH

ttabvue.uspto.gov/tmdb/v/prod/86766058&act=EXT&seq=2

Extension of Time

Number: 86766058
Status: Not Instituted
General Contact Number: 571-272-8500
Paralegal Name: MONTAGUE, JILL LYSON
Opposition #:
Defendant
Name: Holt, Cathy
Correspondence: MATTHEW H SWYERS
THE TRADEMARK COMPANY
344 MAPLE AVE W PMB 151
VIENNA, VA 22180-5612
UNITED STATES
mswyers@thetrademarkcompany.com
Phone: 800-906-8626 x160

Serial #: 86766058 Application File Assignment
Application Status: Registered
Mark: HAIR GOALS
Potential Opposer
Name: Hair Goals Ltd
Correspondence: ADAKU AGWUNOBI
HAIR GOALS LTD
UNIT 1, 97-101 PEREGRINE ROAD/HAINAULT BUSINESS PARK
ILFORD, IG6 3XH
UNITED KINGDOM
ag@hairgoals.co.uk
Phone: 447477593904
Granted To Date: 06/15/2016
Potential Opposer
Name: Eric Williams, LLC
Correspondence: Steven L. Redden
Krispie, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
UNITED STATES
s@ericwilliamsllc.com
Phone: 949-260-0434
Granted To Date: 04/16/2016
Prosecution History
Date History Text
1 06/13/2016 NOT INSTITUTED
2 05/02/2016 TERMINATED
3 03/15/2016 EXTENSION OF TIME GRANTED
4 03/15/2016 EXTENSION OF TIME TO OPPOSE FILED
5 03/15/2016 EXTENSION OF TIME GRANTED
6 03/15/2016 EXTENSION OF TIME TO OPPOSE FILED

Serial #: 86766058 Application File Assignment
Application Status: Registered
Mark: HAIR GOALS
Potential Opposer
Name: Hair Goals Ltd
Correspondence: ADAKU AGWUNOBI
HAIR GOALS LTD
UNIT 1, 97-101 PEREGRINE ROAD/HAINAULT BUSINESS PARK
ILFORD, IG6 3XH
UNITED KINGDOM
ag@hairgoals.co.uk
Phone: 447477593904
Granted To Date: 06/15/2016
Potential Opposer
Name: Eric Williams, LLC
Correspondence: Steven L. Redden
Krispie, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
UNITED STATES
s@ericwilliamsllc.com
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5 03/15/2016 EXTENSION OF TIME GRANTED
6 03/15/2016 EXTENSION OF TIME TO OPPOSE FILED

ttabvue.uspto.gov/tmdb/v/prod/86766058

Search:

Exhibit G – Order: Serial ‘86766058’ Inadvertently Registered

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: June 13, 2016
Applicant: Holt, Cathy
Serial No.: 86766058
Filed: 9/23/2015
Mark: HAIR GOALS
MATTHEW H SWYERS
THE TRADEMARK COMPANY
344 MAPLE AVE W PMB 151
VIENNA VA 22180-5612
ADAKU AGWUNOBI
HAIR GOALS LTD
UNIT 1, 97-101 PEREGRINE ROAD/HAINAULT BUSINESS PARK
ILFORD IG6 3XH
UNITED KINGDOM

Eric McWilliams, Supervisory Paralegal:

It has come to the Board's attention that Registration No. 4972382 (Serial No. 86766058), was registered inadvertently despite there being an ongoing extension of time granted on behalf of Hair Goals Ltd. until June 15, 2016.

Accordingly, the Board will forward the electronic record of the application file to the Office of the Commissioner for Trademarks for consideration of the cancellation of the inadvertently issued registration.

ttabvue.uspto.gov/tmdb/v/prod/86766058&act=EXT&seq=3

Extension of Time

Number: 86766058
Status: Not Instituted
General Contact Number: 571-272-8500
Paralegal Name: MONTAGUE, JILL LYSON
Opposition #:
Defendant
Name: Holt, Cathy
Correspondence: MATTHEW H SWYERS
THE TRADEMARK COMPANY
344 MAPLE AVE W PMB 151
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UNITED STATES
mswyers@thetrademarkcompany.com
Phone: 800-906-8626 x160

Serial #: 86766058 Application File Assignment
Application Status: Registered
Mark: HAIR GOALS
Potential Opposer
Name: Hair Goals Ltd
Correspondence: ADAKU AGWUNOBI
HAIR GOALS LTD
UNIT 1, 97-101 PEREGRINE ROAD/HAINAULT BUSINESS PARK
ILFORD, IG6 3XH
UNITED KINGDOM
ag@hairgoals.co.uk
Phone: 447477593904
Granted To Date: 06/15/2016
Potential Opposer
Name: Eric Williams, LLC
Correspondence: Steven L. Redden
Krispie, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
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6 03/15/2016 EXTENSION OF TIME TO OPPOSE FILED

ttabvue.uspto.gov/tmdb/v/prod/86766058

Search:

Intellectual Property Office

SearchClear

Advanced searchFilters

Use of marks:WIPO000011297387

Expand all sectionsCollapse all sections

Trade mark

List of goods and services

Owner

(510) List of goods and services

Classification version

Mark standard character

EN

(511) Nice class number

List of goods and services

Priority

(511) Nice class number

List of goods and services


(511) Nice class number

List of goods and services

(511) Nice class number

List of goods and services

Click here or the logo below to view this trade mark in the office of origin



Intellectual
Property
Office

Exhibit C – WIPO Registration (US and Europe)

WIPO000011297387

Expand representationTrade mark nameTrade mark ownerDesignApplicant nameTrade mark statusMark classApplicant nameApplication dateTrade mark typeRegistration date

+

Paris

WO

EN, FR, DE, IT, ES, PT, NL, GR, EL, NO, EE, CY, LU, BG, RO, HU, PL, SK, SI, CZ, MT, DK, SE, JP, KR, TW, EN, GR, ES, NO, EE

Registered

19/05

HARRODAUS LTD

11/11/2015

Word

11/11/2015

TM

HomeAboutNewsContactHelpFAQTutorialsEnquiries

Log inRegister

Find term

PostgreSQL

SearchClear

Advanced searchFilters

Use of marks:WIPO000011297387

Expand representationTrade mark nameTrade mark ownerDesignApplicant nameTrade mark statusMark classApplicant nameApplication dateTrade mark typeRegistration date

+

Paris

WO

EN, FR, DE, IT, ES, PT, NL, GR, EL, NO, EE, CY, LU, BG, RO, HU, PL, SK, SI, CZ, MT, DK, SE, JP, KR, TW, EN, GR, ES, NO, EE

Registered

19/05

HARRODAUS LTD

11/11/2015

Word

11/11/2015

Intellectual Property Office

Case details for trade mark WE00001297387

Trade mark		Harrodaus
Status		Applicant's proposed
Trademark registration date		11/11/2015
Date of Designation of the EUI		27/05/2016
Office of origin		WIPO
Renewal date		11/11/2025
Priority date		11/11/2015
Priority country		United Kingdom
TM from which priority is claimed		GB 2543161A
Seniority date		11/11/2015
Seniority country		United Kingdom
Seniority No		GB 2543161A
Goods		Class 3: Hair gel; hair mascara; hair rinses; shampoo; condit ioners; baby hair condit ioners; hair bleach; hair color; hair color re-movers; hair emollients; hair oil; hair permanent wave kit; hair relaxing preparations; hair removing cream; hair styling p reparing preparations; perfume; essential oils; cosmetics; hair lotions; hair balm; hair cosmetics; hair cream; hair f lowing oil; hair lacquer; hair moisturisers; hair moisturising conditioners; hair protection creams; hair protection gels; hair protection lotions; hair protection mousse; hair setting lotion; hair strengthening treatment lotions; hair texturisers; hair thickeners; hair styling preparations; hair tonic; hair medicated; hair straightening preparations; hair medicated hair p roducts; hair medicated hair shampoos; hair colouring p rep arations; hair wax; hair lotions; hair waving preparations; hair dyes; hair colorants; hair spray; hair conditioners; hair balsam; hair decolorants; hair dressings for men; hair fixer s; hair nourishers; hair conditioners for babies.
Goods		Class 9: Application software; Computer application software for mobile telephones.

Exhibit D – International Trademark Application No. 1297387

Exhibit B – Goods and Services

Hair Goals Ltd
Unit 1, 97-101 Peregrine Road,
Ilford, Essex,
IG6 3XH,
United Kingdom.

legal@hairgoals.co.uk

Exhibit A - Registration

‘HAIR GOALS’ dating back to 2014.

22. Opposer owns a magnitude of domains with the mark ‘HAIR GOALS’ present dating back to April 2015 (full intent to buy the ‘hairgoals’ domains from 2014), website was launched immediately (April 2015) with a global reach including the United States. United States had the highest reach in April 2015 (see exhibit I) and beyond. United States is biggest customer cohort.
23. Accordingly, Opposer’s Marks have become distinctive and famous and, therefore, are subject to the protections and remedies of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).
24. Registration of Applicant’s Mark will also injure Opposer by causing a likelihood of dilution, through blurring, of the distinctive quality of Opposer’s Marks.
25. Opposer has invested extensive amounts of time, effort and money in protecting and policing its “HAIR GOALS” trade name in the United Kingdom, United States, Europe and throughout the world.
26. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2 of the Lanham Act, and Opposer (“Hair Goals Ltd”) believes that it would be damaged thereby.
27. **WHEREFORE**, Opposer (“Hair Goals Ltd”) respectfully requests that registration of the mark shown in Application Serial No. 86766058 be refused and that this Opposition be sustained in favor of Opposer (“Hair Goals Ltd”)

By: /A.Agwunobi/ (CEO) Date: 07/06/2016

CERTIFICATE OF SERVICE

I, Adaku Agwunobi, hereby certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on June 15, 2016, upon Hair Goals Ltd at the following address of record:

13. The granting of a trademark registration to Applicant for Applicant's Mark would violate and diminish the prior and superior rights of Opposer.
14. Opposer would be damaged within the meaning of 15 U.S.C. §1063(a), if Applicant's Mark is allowed to register, because Applicant would obtain statutory rights in Applicant's Mark in violation and derogation of the established prior rights of Opposer in Opposer's Marks.
15. Applicant's Mark is likely to be confused with and mistaken for Opposer's goods and services developed and marketed under Opposer's Marks, because Applicant's "HAIR GOALS" mark is confusingly similar in sight and sound to Opposer's Marks (the same mark – 'HAIR GOALS').
16. Upon information and belief, Applicant's Mark is intended to be used on and in connection with goods and services that are confusingly similar to those of Opposer.
17. Upon information and belief, Applicant's target customer and consumer base for its services overlaps with the customers and consumers of Opposer's goods and services.
18. Upon information and belief, Applicant's channels of trade for its services also overlaps with the channels of trade used by Opposer, or exist within the natural realm of expansion available to Opposer, for producing, providing, marketing, selling, and otherwise distributing its products and services.
19. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark, and of Applicant's exclusive right to use its "HAIR GOALS" mark, all to the detriment of Opposer.
20. Prior to the application filing date for Applicant's Mark, Opposer's Marks had become famous for Opposer's goods and services, and the public has come to associate Opposer's goods and services with the "HAIR GOALS" trademark
21. Opposer owns all the social media accounts under mark

- which they would have seen the UK ‘hairgoals’ trademarks. Furthermore, a search engine search would have showcase use of the mark including ownership of all social media under the name ‘hairgoals’ as well as an active website.
8. Hair Goals Ltd was wrongly advised by UK IPO that US trademark could only be filed through WIPO after the trademark was fully registered hence why the WIPO filing was dated October 21, 2015. There was always intent to register US trademarks (evidence available).
 9. Purchasers familiar with Opposer’s Goods and services are likely to be mistakenly believe that the Applicant’s products and Services are sponsored by, authorized, endorsed, affiliated with or otherwise approved by the Opposer (“Hair Goals Ltd”) because the HAIR GOALS Mark sought to be registered and used by the Applicant is too confusingly similar to the Opposer’s HAIR GOALS mark (notably, the same). Opposer’s customers and the relevant public are likely to misperceive Applicant’s Mark as one of Opposer’s Marks, and/or believe in error that the services offered under Applicant’s Mark are offered by, in association with, connected to, or under license from Opposer (“Hair Goals Ltd”). Such confusion would inevitably result in damage to Opposer.
 10. Any defect, objection to, or fault found with Applicant’s services marketed under Applicant’s Mark, would necessarily reflect on and seriously injure the reputation that Opposer has established for its premium and famous goods and services.
 11. Upon opinion and belief, Opposer’s use and registration of Opposer’s Marks, pre- dates the filing date of Applicant’s Mark.
 12. Upon opinion and belief, Applicant’s Mark for class 3 and 26 has not been used in U.S. commerce and is not currently in use in commerce – imagery attached to trademark application looks incomplete and taken for the purpose of the application.